

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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192 MORGAN REALTY, LLC,
and MORGAN WILLIAMSBURG, LLC,

Index No: 20-cv-3627

Plaintiffs,

Judge:

- against -

AQUATORIUM, LLC, MORETTI
DESIGNS, LLC and JONATHAN YANEY,

**VERIFIED COMPLAINT
FOR MARITIME ATTACHMENT**

Defendants.

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S I R S :

PLEASE TAKE NOTICE that Plaintiffs 192 Morgan Realty LLC and Morgan Williamsburg, LLC ("Plaintiffs"), by their attorneys, Jules A. Epstein, P.C., for their Complaint against Defendants Aquatorium, LLC, Moretti Designs, LLC and Jonathan Yaney (Defendants"), owner of the Vessel Schamonchi, a 129 foot pleasure craft, IMO Ship No. 594912 (the "Vessel"), and stating an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, respectfully sets forth and alleges:

JURISDICTION AND VENUE

1. This is an action quasi in rem for maritime attachment of the Vessel owned by Defendants situated in this District.

2. The Court has jurisdiction of this admiralty and maritime claim pursuant to 28 U.S.C. 1333 and FRCP Rule 9(h).

3. Venue is proper in this Court because the Vessel is within this District.

4. Defendants are not found within this District within the meaning of Supplemental Rule B.

IDENTITY OF THE PARTIES

5. At all relevant times, Plaintiffs were and are limited liability companies organized under the laws of New York.

6. Upon information and belief, Defendant Aquatorium, LLC ("Aquatorium") is a limited liability company organized and existing under and by virtue of the laws of Delaware.

7. Upon information and belief, Defendant Moretti Designs, LLC ("Moretti") is a limited liability company organized under the laws of Delaware.

8. Upon information and belief, Defendant Jonathan Yaney ("Yaney") is a resident of the State of California.

9. Defendants are the owners of the Vessel.

10. The Vessel is in this District.

FACTS

11. On or about January 29, 2013 Plaintiffs' predecessor-in-interest English Kills Ventures, LLC, as Licensor, and Defendants, as Licensee, executed a license agreement to provide dockage to the Vessel at dockage owned by Plaintiffs at premises 190 Morgan Avenue

(Block: 2942; Lots: 220 and 157) (the "Dock") in Brooklyn, NY (the "Agreement").

12. Plaintiffs are assignees of the Agreement from English Kills Ventures, LLC as Licensor.

13. A true copy of the Agreement is annexed as **Exhibit "A"**.

14. Despite demand, Defendants have failed to pay monies owed for dockage pursuant to the Agreement and the Vessel has wrongfully remained docked at the Dock despite no permission to stay after Defendants' license for dockage was terminated and expired.

15. Plaintiffs are presently owed \$42,813.84 in accordance with the statement of account annexed as **Exhibit "B"** plus interest, costs, expenses and attorneys fees.

16. Defendants are within this District within the meaning of Rule B of Supplemental Rules for Certain Admiralty And Maritime Claims of the Federal Rules of Civil Procedure (Rule B), and has assets within this District, to wit - the Vessel.

WHEREFORE, Plaintiffs pray that:

a. Judgment be issued against Defendants in the amount of at least USD \$42,813.84 plus interest, costs, expenses and attorney fees: and

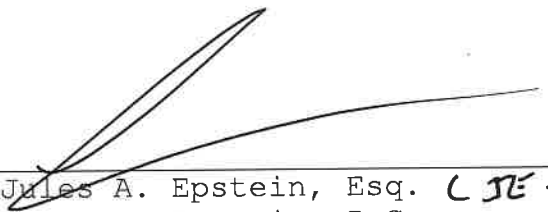
b. This Court issue an order directing the Clerk of Court to issue Process of Maritime Attachment against the Vessel Schamonchi up to the amount of at least the amount demanded herein to secure Plaintiffs' claim. Pursuant to the Local Admiralty Rules,

Plaintiffs agree to hold harmless the U.S. Marshal and all of deputies harmless with regard to this maritime attachment.

c. That process in due form of law according to the practice of this Honorable Court issue against the Defendants, citing them to appear and answer under oath all and singular the matters aforesaid.

d. Plaintiffs have such other and further relief that this Court deems just and proper.

Dated: Jericho, New York
August 11, 2020



Jules A. Epstein, Esq. (JE-5177)
Jules A. Epstein, P.C.
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Jericho, NY 11753
(516) 745-1325

CORPORATE VERIFICATION

STATE OF NEW ~~YORK~~ ^{JERSEY})
) ss.:
COUNTY OF ~~MIDDLESEX~~ ^{MONTMOUTH}

HELEN SCHWARTZ being duly sworn, deposes and says:

I am the manager of **192 Morgan Realty, LLC**, a limited liability company and a party in the within action; I have read the foregoing Complaint
~~ANSWER~~ and know the contents thereof; and the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my knowledge are as follows: Books, records and correspondence in my files.



Sworn to before me on this
11 day of August, 2020

TB
Notary Public

TZIPPORAH BRESSLER
NOTARY PUBLIC OF NEW JERSEY
COMMISSION : PIRES 7/19/22